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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Donald Sing, et al.,
Plaintiffs,
v.
Allstate Insurance Company,
Defendant.

No. CV07-05300 EMC

**CASE MANAGEMENT AND PRETRIAL
ORDER FOR COURT TRIAL**

Following the Case Management Conference held on **02/27/2008**, IT IS HEREBY

ORDERED THAT:

A further case management conference is set for **04/23/2008 at 2:30 p.m.** before Magistrate Judge Chen in Courtroom C, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California. Updated joint case management conference statement is due **04/16/2008**.

Pursuant to Fed.R.Civ.P. 16, IT IS FURTHER ORDERED THAT the following case management and pretrial order is entered:

1. TRIAL DATE

a. Court trial shall begin on **5/18/2009 at 8:30 a.m.** in Courtroom C, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California.

b. The length of the trial will be not more than **five (5) days**. Court hours for trial are 8:30 a.m. to 1:30 p.m.

1 2. **DISCOVERY**

2 a. All non-expert discovery shall be completed by **12/29/2008**.

3 b. Depositions: Each side shall be limited to **ten (10) depositions each**. The parties
4 shall limit discovery commensurate with the amount in controversy in this case.

5 c. Experts shall be disclosed and reports provided by plaintiff and defendant by
6 **12/29/2008**.

7 d. Rebuttal experts shall be disclosed and reports provided by **1/12/2009**.

8 e. All discovery from experts shall be completed by **1/26/2009**.

9 f. Pursuant to Civil L.R. 37-1(b), telephone conferences are available to resolve
10 disputes during a discovery event, such as a deposition, where the resolution during
11 the event likely would result in substantial savings of expense or time.

12 3. **MOTIONS**

13 The last day for **hearing** dispositive motions shall be **2/25/2009**. Dispositive motions shall
14 be served and filed no later than thirty-five (35) days **prior** to the scheduled hearing date. Any
15 opposition shall be served and filed no later than twenty-one (21) days prior to the hearing date.
16 Any reply to the opposition shall be served and filed no later than fourteen (14) days prior to the
17 date of the hearing.

18 4. **ALTERNATIVE DISPUTE RESOLUTION/SETTLEMENT CONFERENCE**

19 This case was referred to the Alternative Dispute Resolution Program for ENE. ENE is set
20 for **03/21/2008** before ENE Evaluator Martin Quinn.

21 5. **PRETRIAL CONFERENCE**

22 a. A pretrial conference shall be held on **5/6/2009 at 3:00 p.m.** in Courtroom C, 15th
23 Floor. Lead counsel who will try the case (or the party *if pro se*) must attend.

24 b. **4/7/2009**, thirty (30) days prior to the date of the pretrial conference, lead counsel
25 shall meet and confer regarding:

26 (1) Preparation and content of the joint pretrial conference statement;

27 (2) Preparation and exchange of pretrial materials to be served and lodged
28 pursuant to paragraph 5(c) below; and

1 (3) Settlement of the action.

2 c. **4/17/2009**, twenty (20) days prior to the pretrial conference, counsel and/or parties

3 shall:

4 (1) Serve and file a joint pretrial statement that includes the pretrial disclosures

5 required by Federal Rule of Civil Procedure 26(a)(3) as well as the following

6 supplemental information:

7 (a) *The Action.*

8 (i) Substance of the Action. A brief description of the substance

9 of claims and defenses which remain to be decided.

10 (ii) Relief Prayed. A detailed statement of all the relief claimed,

11 particularly itemizing all elements of damages claimed as well

12 as witnesses, documents or other evidentiary material to be

13 presented concerning the amount of those damages.

14 (b) *The Factual Basis of the Action.*

15 (i) Undisputed Facts. A plain and concise statement of all

16 relevant facts not reasonably disputable, as well as which facts

17 parties will stipulate for incorporation into the trial record

18 without the necessity of supporting testimony or exhibits.

19 (ii) Disputed Factual Issues. A plain and concise statement of all

20 disputed factual issues which remain to be decided.

21 (iii) Agreed Statement. A statement assessing whether all or part of

22 the action may be presented upon an agreed statement of facts.

23 (iv) Stipulations. A statement of stipulations requested or proposed

24 for pretrial or trial purposes.

25 (c) *Disputed Legal Issues.*

26 Without extended legal argument, a concise statement of each disputed

27 point of law concerning liability or relief, citing supporting statutes and

28 decisions, any and procedural or evidentiary issues.

1 (d) *Trial Preparation.*

2 (i) Witnesses to Be Called. With regard to witnesses disclosed
3 pursuant to Federal Civil Rule of Civil Procedure 26(a)(3)(A),
4 a brief statement describing the substance of the testimony to
5 be given.

6 (ii) Estimate of Trial Time. An estimate of the number of hours
7 needed for the presentation of each party's case, indicating
8 possible reductions in time through proposed stipulations,
9 agreed statements of facts, or expedited means of presenting
10 testimony and exhibits.

11 (iii) Use of Discovery Responses. Designate excerpts from
12 discovery that the parties intend to present at trial, other than
13 solely for impeachment or rebuttal, from depositions
14 specifying the witness page and line references, from
15 interrogatory answers, or from responses to requests for
16 admission.

17 (e) *Trial Alternatives and Options.*

18 (i) Settlement Discussion. A statement summarizing the status of
19 settlement negotiations and indicating whether further
20 negotiations are likely to be productive.

21 (ii) Amendments, Dismissals. A statement of requested or
22 proposed amendments to pleadings or dismissals of parties,
23 claims or defenses.

24 (iii) Bifurcation, Separate Trial of Issues. A statement of whether
25 bifurcation or a separate trial of specific issues is feasible and
26 desired.

27 (f) *Miscellaneous.*

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1 Any other subjects relevant to the trial of the action or material to its
2 just, speedy and inexpensive determination.

3 (2) Serve and file trial briefs, motions in limine (including any motion regarding
4 the qualifications or testimony of any expert witness) and joint proposed
5 findings of fact and conclusions of law. The findings of fact shall set forth in
6 simple, declarative sentences, separately numbered, all factual contentions
7 relied upon by the party in support of its claims for relief and shall be free of
8 pejorative language and argument. Counsel shall submit separately their
9 disputed findings of fact and conclusions of law. Counsel shall deliver to
10 chambers a copy of their proposed findings of fact and conclusions of law on
11 a computer diskette compatible with WordPerfect 6.1 or 8.0 for Windows.

12 (3) Serve and file an exhibit setting forth the qualifications and experience for
13 each expert witness;

14 (4) Serve and file a list of each party's exhibits by number (plaintiff) or letter
15 (defendant), including a brief statement describing the substance and purpose
16 of each exhibit and the name of the sponsoring witness;

17 (5) Exchange exhibits which shall be prepared (plaintiff shall use numbers;
18 defendant shall use letters) and tabbed; and

19 (6) Deliver two sets of all prepared exhibits to chambers (exhibits are not to be
20 filed).

21 No party shall be permitted to call any witness or offer any exhibit in its case in chief that is
22 not disclosed in its pretrial statement without leave of the Court and for good cause.

23 d. **4/27/2009**, ten (10) days prior to the pretrial conference, after meeting and conferring
24 in a good faith attempt to resolve and objections, counsel and/or parties shall serve and file: (1) any
25 objections to exhibits or to use of deposition excerpts or other discovery; (2) any objections to
26 witnesses, including the qualifications of an expert; (3) any opposition to a motion in limine.

27 e. All motions in limine and objections shall be heard at the pretrial conference.

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1 6. All documents filed with the Clerk of the Court shall list the civil case number followed only
2 by the initials "EMC." One copy must be clearly marked as a **chambers** copy. Chambers' copies
3 shall be three-hole punched at the left side, suitable for insertion into standard binders.

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6 Dated: February 29, 2008

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EDWARD M. CHEN
United States Magistrate Judge